



Memorandum

Date: April 24, 2007
To: Planning Commission
From: Community Development Department
Subject: Zoning Amendment, ZAA-05-16 & Development Agreement Amendment DAA 05-07: Wright Ave.-Manana

REQUEST

A request to amend the precise development plan and development agreement allow for the elimination of the park and the adoption of a mitigated negative declaration for the channel improvements along Hale Ave.

RECOMMENDATION

Environmental Assessment:	Adopt a Mitigated Negative Declaration and Mitigation Monitoring Program
Application ZAA-05-16:	Recommend City Council approval, subject to the findings and conditions contained in attached Resolution.
Application DAA 05-07:	Recommend City Council approval, subject to the findings and conditions contained in attached Resolution.

SITE DESCRIPTION

Location:	Northwest corner of the intersection of Wright Ave. and Hale Ave.
Zoning\General Plan:	
Project Site:	R2-3,500\ Multi-Family Low
North:	R2-3,500 RPD\ Multi-Family Low
South:	R1-7,000\ Single Family Medium
East:	R2-3,500 RPD\ Multi-Family Low
West:	R1 7,000 RPD\ Single Family Medium

BACKGROUND

In January 2006, the Mallorca project received approval of a precise development plan for a 15 lot residential development which included a .27 acre lineal park along the eastern boundary of the project. Also approved was a project development agreement which covered the project commitment for the 6 allocations for FY 2006-2007 and 9 allocations for FY 2007-2008. In March, the Commission reviewed and recommended approval of a Development Agreement amendment granting a nine month extension of the FY 2006-07 commencement of construction date and adopted a resolution containing the project performance dates.

PROJECT ASSESSMENT

Environmental Assessment: The initial study and Mitigated Negative Declaration adopted in January 2006 addressed the development impacts of a 2.65 acre portion which would be divided into 15-lots plus a .27 acre park. The adjacent 1.5 acre parcel was to be dedicated to the SCVWD to be included in the future Upper Llagas Creek Flood Protection Project. As part of the project the applicant would install an open storm water detention basin on the 1.5 acres which will be large enough to detain water from the 12.65 acres currently draining onto the site. The project run-off would be detained in 30-inch pipes (approx 627 ft. long) located under the park area.

The SCVWD has declined (at this time) to accept the dedication of the 1.5 acre parcel which contains the proposed channel improvements. The environmental impacts associated with the channel improvements now need to be covered by the City since it will now be the lead agency issuing permits for the proposed channel improvements. An initial study has been prepared which specifically addresses the channel improvements. Environmental impacts identified in the study include short term impacts to air quality during construction and impacts to the wetland and creek channel habitats. Mitigation measures proposed include construction dust management, USACE approval and implementation of a revegetation plan and completion of a preconstruction survey for nesting raptors if the pine trees are removed during the nesting season (January through September).

Prior to creek realignment and issuance of a grading permit by the City of Morgan Hill, the project applicant will have to apply for and be issued a Section 404 permit from the USACE, Section 401 certification from the Regional Water Quality Control Board, and Streambed Alteration Agreement from the CDFG. The project developer is willing comply with all of the conditions of these regulatory permits and is currently has permits in process with each of these agencies.

It is recommended that the commission approve the attached mitigated negative declaration for the drainage improvements.

Zoning:

The approved precise development plan contained a .27 acre park along the eastern edge of the proposed subdivision. Pathway connections were proposed from the project cul de sacs leading to a pathway along the channel and connecting to Wright Ave. The park also contained the project recreational amenities which include a tot lot, BBQ, picnic benches and a bocce court. The path area was also to be used by the SCVWD for maintenance of the proposed flood improvements.

In seeking the necessary approvals from USACE, SCVWD, RWQCB and CDFG to alter the creek, it has become difficult to gain approvals due to overlapping use and proximity of the .27 acre park site. The private park would have to maintain public access due to the pathway location and the need for the SCVWD to use the path for future maintenance of the channel. The developer wants to keep the park area separate for liability, security and maintenance purposes.

To seek a compromise between all of the agencies involved, the applicant is proposing the elimination of the private .27 acre park. The park area would be merged with the channel area and maintained by the SCVWD as part of the channel improvements. The developer is still proposing the installation of the linear pathway but would eliminate the benches, tot lot bocce court and stairways leading to the cul-de-sacs. Landscaping would be installed by the developer per the SCVWD specifications. To make up for the loss in points (- 4) in the Parks and Paths category due to the elimination of the amenities, the developer is willing to commit to the payment of the park in-lieu fee (+4).

Development Agreement Amendment:

Amendment to the project development agreement is required to elimination reference to the installation of the park amenities and the creation of the park parcel. The development agreement would also need to be amended to include the commitment to pay the park in-lieu fee. The project specific commitments are identified in Paragraph 14 of the development agreement. Specific changes to the agreement are shown in strike-out text for deletions and highlighted text for additions in Exhibit A of the resolution. Staff recommends approval of the development agreement amendment as prepared.

RECOMMENDATION

Staff recommends approval of the zoning amendment and development agreement amendment applications, subject to the findings and conditions contained in the attached resolutions.

Attachments

1. Mitigated Negative Declaration and Mitigation Monitoring Program
2. Resolution (Zoning Amendment)
3. Resolution (Development Agreement Amendment)
4. Project Plans

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-07: WRIGHT AVE.-MANANA TO ALLOW FOR AMENDEMENT TO PARAGRAPH 14 OF THE DEVELOPMENT AGREEMENT TO ELIMINATE THE PRIVATE PARK REQUIREMENT. (APN 764-32-017 & 018)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 15 building allocations for MC-04-27: Wright Ave. – Dividend: 6 allocations for FY 2006-07 and 9 allocations for FY 2007-08.

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, the applicant is requesting to amend the approved development agreement to eliminate the requirement to create and install a .27 acre private park and private park amenities; and

WHEREAS, the applicant is requesting to amend the approved development agreement to include the commitment to require payment of a park in lieu fee; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibit "A" and drawings and other materials have been considered in the review process. The amount of park land dedication or in lieu fee must be consistent with the requirements contained in Chapter 17.28 of the Municipal Code.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-05-07: Wright Ave.-Dividend.

SECTION 2. The Planning Commission recommends approval of the development agreement amendments as shown in the attached Exhibit A. The proposed amendments are to allow for the elimination of the private park and park amenities requirements.

**PASSED AND ADOPTED THIS 27th DAY OF APRIL 24, 2007, AT A REGULAR
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

**Amendments to Paragraph 14, Section (i) & (k) of Development Agreement DA 05-07:
Wright Ave.-Manana**

development: (i) Property Owner agrees to include the following Open Space improvements in the

~~(i) All parks and open space within the project will be maintained by a neighborhood homeowners association.~~

(ii) Project provides a 7 ft. wide (minimum), paved (or other durable surface) bicycle and pedestrian pathway within the landscaped area located along the east side of the project for a distance of approximately 627 lineal feet. The bicycle and pedestrian path shall be within an open space area which is a minimum of 20 ft. wide with an average width of 30 ft. (for the entire length of the path).

~~• Project will provide a .27 acre parcel to the Santa Clara Valley Water District for use as a flood control channel.~~

(iii) The project shall purchase double the number of transferable development credits calculated at a ratio of one TDC for every 25 units. The overall project contains 15 units and is required to purchase a total of 1.2 TDC's. The per unit TDC payment shall be collected on a per unit basis at the time of building permit issuance. Building permits will not be granted unless this provision has been complied with to the satisfaction of the City Council.

improvements: (k) The Property Owner agrees to provide the following Park and Recreation

(i) In addition to payment of standard park fees, the applicant will pay the lesser of double the required in lieu park fees up to \$ 1100 per unit.

~~(ii) The park area provided within the project shall exceed the dedicated land requirements stated in Chapter 17.28 of the Morgan Hill Municipal Code by 50%.~~

(iii) The project will pay a fee to the city equal to the value of the land prescribed for dedication consistent with the requirements contained in Chapter 17.28 of the Municipal Code. For .27 acres of land dedication to apply, the property must be deeded to the City or SCVWD for public purposes.

(iv) The project will install the following pedestrian and bicycle improvements beyond the project frontage:

• Project will comply with Bikeways Master Plan to construct bike lanes/routes as required within public roadways.

~~(v) Each project phases shall provide the following park amenities within the proposed .27acre park:~~

~~Phase I: Create .27 acre parcel~~

~~Phase II: Landscape and install shuffleboard or horseshoe area, tot
lot (min. 3 activities) and barbeque and picnic bench
amenities.~~

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT APPROVED ON 2.65 ACRE SITE LOCATED ON THE NORTH WEST QUADRANT OF THE INTERSECTION OF WRIGHT AVE. AND HALE AVE. THE AMENDMENT ALLOWS FOR THE ELIMINATION OF THE .27 ACRE PRIVATE PARK. (APN 764-32-017 & 018)

WHEREAS, such request was considered by the Planning Commission at their regular meeting of April 24, 2007 at which time the Planning Commission recommended approval of zoning amendment application ZAA-05-16: Wright Ave.-Manana; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 3. An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration will be filed.

SECTION 4. The Planning Commission finds that the proposed amendment to the approved RPD Overlay District is consistent with the criteria specified in Chapter 18.18 of the Morgan Hill Municipal Code.

SECTION 5. The Planning Commission hereby recommends approval of an amendment to the approved precise development plan dated August 11, 2005, on file with the Community Development Department. The recommended amendment eliminates the .27 acre private park site along the eastern boundary of the 15-lot subdivision. Approval of the plan modification is subject to the following conditions:

1. The .27 acre park parcel shall be merged with the adjacent 1.5 acre parcel.
2. All pathway improvements shall be installed per paragraph 14(i) ii of the project development agreement.
3. The .27 acre area shall be landscaped in accordance the SCVWD standards and the approval the Community Development Director.

SECTION 6. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of the Ordinance to other situations.

PASSED AND ADOPTED THIS 24th DAY OF APRIL, 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair



COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: April 24, 2007

Application #s: EA-06-23, ZAA-05-16

APN: West Little Llagas Creek, adjacent to 764-32-017 and 764-32-018

Project Title: Mallorca Drainage Improvement Project

Project Location: The project site is located north of the intersection of Hale Avenue and Wright Avenue, between Hillwood Lane and Wright Avenue in the City of Morgan Hill.

Project Proponent: Richard (Dick) Oliver
Mañana Investors LLC
275 Saratoga Avenue #105
Santa Clara, CA 95050

Project Description: The proposed project is the realignment and widening of West Little Llagas Creek, on the west side of Hale Avenue roughly between Hillwood Lane and Wright Avenue in the City of Morgan Hill. The project would relocate an approximately 700 foot reach of the creek to the west.

The channel improvements would provide increased flood protection as outlined in the planned Upper Llagas Creek Flood Protection Project. The channel would contain 100 year flood flows, provide stabilization to reduce erosion and sedimentation, and have adequate capacity to detain flows from upstream areas and the future adjacent residential project.

The existing creek channel would be filled and Hale Avenue widened along the frontage of the proposed channel improvements. The widened roadway would be restriped to allow for right turns to and from Hillwood Lane and right turns from westbound Wright Avenue onto Hale Avenue.

II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

III. CONDITIONS (Mitigation and Avoidance Measures):

A. *Air Quality:*

The following mitigation and avoidance measures shall be implemented during all phases of construction on the project site by project contractors to reduce construction related air quality impacts to a less than significant level:

- In accordance with the City of Morgan Hill Standard Conditions of approval, prior to issuance of grading permit, the applicant shall submit to the Community Development Director for his approval, a management plan detailing strategies for control of dust during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.
- In addition, the Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices would be implemented during construction of the proposed project:
 - Water all active construction areas at least twice daily.
 - Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - Use dust-proof chutes for loading construction debris onto trucks.
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
 - Install gravelbags, fiber rolls, or other effective erosion control measures to prevent silt runoff to public roadways.

Jurisdictional Waters

The mitigation measures described below would reduce impacts to the wetland habitat and creek channel habitat to a less than significant level.

- The project applicant shall implement a Final Revegetation Plan in the widened and realigned creek channel. The Final Revegetation Plan will off-set impacts to the habitat in the bottom of the existing creek channel (including approximately 0.12 acres of jurisdictional waters and wetlands) by planting approximately 1.3 acres of bed, bank, and slopes with plant species native to the area, as outlined in the *On-Site Revegetation Plan* prepared by Live Oak Associates in November 2006.
- Revegetation plantings shall be monitored in the fall following installation of revegetation plantings. If densities fall below those recommended in the plan, additional plantings will be done the following fall to make up differences. A report describing the as-built status of the revegetation shall be provided to the Director of Community Development and Public Works for submission to USACE. The second spring following planting revegetation plantings shall be monitored again. A letter report documenting the current vegetative condition of the channel shall be provided to the Director of Community Development and Director of Public Works for submission to USACE. In the event revegetation success is below established standards, remedial actions, such as reseeding, weeding or erosion control shall be implemented in conformance with recommendations in the monitoring report.
- Prior to creek realignment and issuance of a grading permit, the project applicant shall apply for and be issued a Section 404 permit from the USACE, Section 401 certification from the Regional Water Quality Control Board, and Streambed Alteration Agreement from the CDFG. The project proponent shall comply with the conditions of these regulatory permits.
- Construction grading in the actively flowing West Little Llagas Channel shall be limited to the dry season (April 15-October 15).

Nesting Raptors

The following mitigation measures will avoid adverse impacts to individual nesting raptors:

- Removal of the pine trees, as part of a proposed project, could be scheduled between October and December (inclusive) to avoid the raptor nesting season and no additional surveys would be required.
- If removal of the pine trees would take place between January and September, a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall

inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity.

III. FINDING

The City of Morgan Hill Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study are included in the project.

Kathleen Molloy Previsich
Community Development Director

Date: _____

MITIGATION MONITORING AND REPORTING PROGRAM

**MALLORCA DRAINAGE
IMPROVEMENT PROJECT**

CITY OF MORGAN HILL

APRIL 2007

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On April 4, 2007, the Negative Declaration was approved for the Mallorca Drainage Improvement Project. The Initial Study/Negative Declaration concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses these measures in terms of how and when they will be implemented.

MITIGATION MONITORING AND REPORTING PROGRAM MALLORCA DRAINAGE IMPROVEMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
AIR QUALITY				
Construction of the proposed project could result in significant short-term air quality impacts associated with dust generation.	<ul style="list-style-type: none"> In accordance with the City of Morgan Hill Standard Conditions of approval, prior to issuance of grading permit, the applicant shall submit to the Community Development Director for his approval, a management plan detailing strategies for control of dust during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. 	To be implemented during construction by the contractors.	A dust control program, which includes the dust control measures identified in the Negative Declaration, will be included in all contract specifications and implemented by contractors.	Community Development Department
	<ul style="list-style-type: none"> In addition, the Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices would be implemented during construction of the proposed project: <ul style="list-style-type: none"> Water all active construction areas at least twice daily. Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Use dust-proof chutes for loading construction debris onto trucks. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) 			

MITIGATION MONITORING AND REPORTING PROGRAM MALLORCA DRAINAGE IMPROVEMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> Install gravelbags, fiber rolls, or other effective erosion control measures to prevent silt runoff to public roadways. 			
BIOLOGICAL RESOURCES				
Development of the project could impact jurisdictional waters	<p>The mitigation measures described below would reduce impacts to the wetland habitat and creek channel habitat to a less than significant level.</p> <ul style="list-style-type: none"> The project applicant shall implement a Final Revegetation Plan in the widened and realigned creek channel. The Final Revegetation Plan will off-set impacts to the habitat in the bottom of the existing creek channel (including approximately 0.12 acres of jurisdictional waters and wetlands) by planting approximately 1.3 acres of bed, bank, and slopes with plant species native to the area, as outlined in the <i>On-Site Revegetation Plan</i> prepared by Live Oak Associates in November 2006. Revegetation plantings shall be monitored in the fall following installation of revegetation plantings. If densities fall below those recommended in the plan, additional plantings will be done the following fall to make up differences. A report describing the as-built status of the revegetation shall be provided to the Director of Community Development and Public Works for submission to USACE. The second spring following planting revegetation plantings shall be monitored again. A letter report documenting the current vegetative condition of the channel shall be provided to the Director of Community 	<p>Revegetation and construction timing to be implemented during the construction phase by the project sponsor and contractors.</p> <p>Monitoring and replacement plantings to be implemented by the project sponsor and contractors in the fall and spring following planting.</p> <p>Permits from regulatory agencies to be obtained prior to relocation of the creek channel.</p>	<p>The Final Revegetation Plan and allowed periods of work shall be included in project plans and implemented by contractors.</p> <p>Monitoring shall be completed by the qualified biologist and replacement plantings made, as required.</p>	Community Development Department of Public Works

MITIGATION MONITORING AND REPORTING PROGRAM MALLORCA DRAINAGE IMPROVEMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>Development and Director of Public Works for submission to USACE. In the event revegetation success is below established standards, remedial actions, such as reseeding, weeding or erosion control shall be implemented in conformance with recommendations in the monitoring report.</p> <ul style="list-style-type: none"> Prior to creek realignment and issuance of a grading permit, the project applicant shall apply for and be issued a Section 404 permit from the USACE, Section 401 certification from the Regional Water Quality Control Board, and Streambed Alteration Agreement from the CDFG. The project proponent shall comply with the conditions of these regulatory permits. Construction grading in the actively flowing West Little Llagas Channel shall be limited to the dry season (April 15-October 15). 			
Development of the project could impact individual burrowing owls if they moved onto the site.	<p>The developer shall participate in the Citywide Burrowing Owl Habitat Mitigation Plan, a mitigation program acceptable to the California Department of Fish and Game. In conformance with the City's Burrowing Owl Habitat Mitigation Plan, the project proposes the following measures to avoid direct impacts to burrowing owls:</p> <ul style="list-style-type: none"> Conduct pre-construction surveys to determine if burrowing owls are present within the footprint of the proposed grading area, no more than 30 days prior to initiation of any construction-related activities. Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion 	<p>To be implemented within 30 days (depending on the start of construction) prior to any ground disturbing activities by a qualified ornithologist.</p>	<p>All measures are on all construction documents, contracts, and project plans. If active nests are encountered a report will be submitted by a qualified ornithologist to the Community Development Department.</p>	Community Development Department

MITIGATION MONITORING AND REPORTING PROGRAM MALLORCA DRAINAGE IMPROVEMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>zones with a 250-foot radius from occupied burrows, shall be established. All project-related activities shall occur outside of the exclusion area until the young have fledged.</p> <ul style="list-style-type: none"> If preconstruction surveys are conducted during the non-breeding season and burrowing owls are observed on the site, the owls may be relocated upon approval of the California Department of Fish and Game once mitigation has been provided. 			
Construction during the nesting season could disturb or destroy occupied raptor nests.	<p>The following mitigation measures will avoid adverse impacts to individual nesting raptors:</p> <ul style="list-style-type: none"> Removal of the pine trees, as part of a proposed project, could be scheduled between October and December (inclusive) to avoid the raptor nesting season and no additional surveys would be required. If removal of the pine trees would take place between January and September, a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an 	Prior to site grading and construction by qualified ornithologist.	The Environmental Planner of Community Development Department will ensure that all measures identified in the Negative Declaration, will be included in all contract specifications and implemented by contractors.	Environmental Planner of Community Development Department CDFG

MITIGATION MONITORING AND REPORTING PROGRAM MALLORCA DRAINAGE IMPROVEMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity.			

SOURCE: City of Morgan Hill, *Mallorca Drainage Improvement Project Initial Study, March 2007.*

"Mallorca"

site development plan

building notes:

LOT	PLAN	AREA
1	BH0	1,420 SF
2	BH0	1,420 SF
3	BH0	1,420 SF
4	BH0	1,420 SF
5	BH0	1,420 SF
6	BH0	1,420 SF
7	BH0	1,420 SF
8	BH0	1,420 SF
9	BH0	1,420 SF
10	BH0	1,420 SF
11	BH0	1,420 SF
12	BH0	1,420 SF
13	BH0	1,420 SF
14	BH0	1,420 SF
15	BH0	1,420 SF

abbreviations:

VC	VERMONT
SP	SANITARY
W	WATER
P	PIPE
PA	PAVEMENT
PAU	PAVED

building coverage notes:

PROJECT NET AREA:	2,016 ACRES
OVERLAY COVERAGE:	0.257 ACRES
BUILDING COVERAGE:	0.455 ACRES
% BUILDING COVERAGE:	22.14%

density calcs:

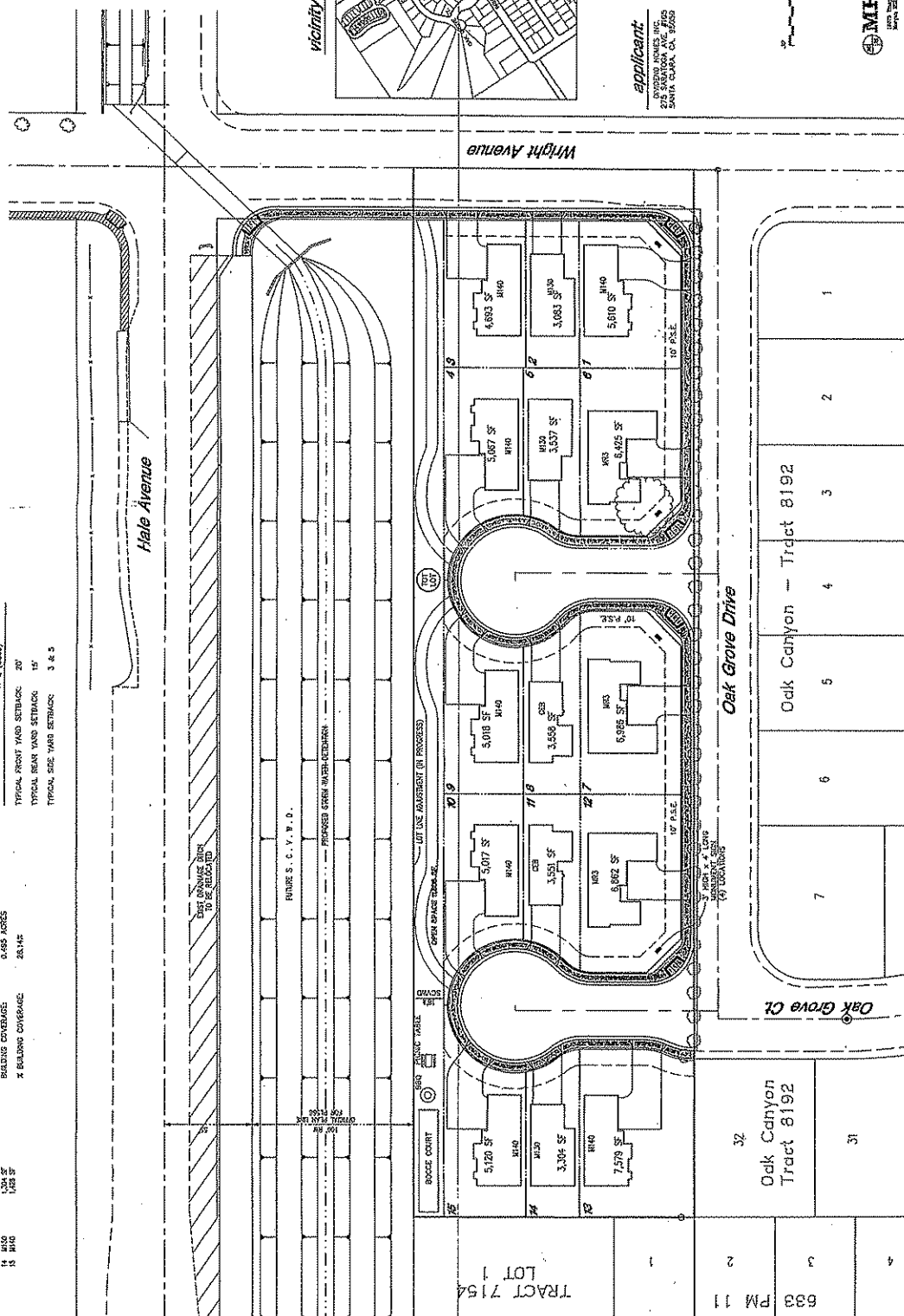
TOTAL PROJECT AREA:	2,449 ACRES
DEDICATED RIGHT OF WAY:	0.833 ACRES
PROJECT NET AREA:	2,016 ACRES
NO. UNITS ALLOWED:	25
NO. UNITS:	15

setback notes:

TYPICAL FRONT YARD SETBACK:	20'
TYPICAL REAR YARD SETBACK:	15'
TYPICAL SIDE YARD SETBACK:	3 & 5'

building mix:

PLAN BH0	3
PLAN BH1	3
PLAN BH2	3
TOTAL:	13
PLAN BH0	2
TOTAL:	15



vicinity map:



applicant:
DIVISION OF THE
SANTA CLARA COUNTY
SANTA CLARA, CA 95050

engineer:
MORGAN ENGINEERING
MORGAN HILL, CA 95037
(408) 773-7871

planner:
DANIEL GROUP
SAN JOSE, CA 95128
(408) 773-7871

PLANNING DEPT.

AUG 11 2005

CITY OF MORGAN

SCALE: 1" = 100'

sheet

MH engineering Co.

DATE: 8/9/05 DRAWN: DRYAN DESIGNED: MAM 24127

ZAA-05-16/
DAA-05-07: WRIGHT-MANANA